

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 21, 2010**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Frank DeKort, Marc Pitman, Mike Mower, Jim Heim, Jeff Larsen and Bob Keenan. Charles Lapp had an excused absence. Alex Hogle and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were 14 people in the audience.

**APPROVAL OF
MINUTES**

There were no minutes to approve.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**FLATHEAD
COUNTY
TRAILS PLAN**

The Flathead County Parks Board has prepared a Flathead County Trails Plan which is intended to become an element of the Flathead County Growth Policy. This public hearing is required to process the Trails Plan as an element of the growth policy.

STAFF REPORT

Alex Hogle reviewed the Staff Report for the Flathead County Trails Plan for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Don Spivey represented the Paths Committee. He stated this was at least the third attempt to produce a plan. It was not a commitment to build all the trails, it was a set of plans or parameters to do that. He gave the fundamental basics for the plan and some examples of good and bad trail plans. He spoke about how the committee categorized the trails, (arterial, connector, recreational and destination trails) and gave examples of each category. He also spoke about how the plan would be administered. He said the commissioners had already endorsed the plan.

**BOARD
QUESTIONS**

The board, Spivey and Jim Watson, who was on the Flathead County Parks Board, discussed how connector trails were chosen, motorized trails, issues with volunteer help concerning insurance and liability with the county and ways around that issue. They also discussed how the Paths Committee would like to play an advisory role with the development and implementation of the plan.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Russ Crowder, American Dream Montana, spoke of concerns about the proposal on private property. He spoke about the Growth Policy being a regulatory document and everything attached as an addendum to it also being regulatory. He pointed out specific sections and wording that was of concern at length. He did not see where the private property owner would be compensated for giving their land to an easement for the paths. He read article two from the Montana Constitution and the fifth amendment from the U.S. Constitution. He served for five years on the Flathead County Planning Board and challenged anyone to go through the minutes and find one example where he ever dishonored the oath he took to be a member of the planning board during any of the deliberations he made. He would give \$1,000 to anyone who could prove he dishonored that oath. He had copies of the oaths the planning board members signed in front of him and he read the planning board members oath for the board members. He said they would find out just who took the oaths seriously and who didn't. If this plan was recommended for approval then he felt sorry for the board members because they dishonored the oath they signed and themselves by passing this on with a positive recommendation. He was opposed to the application.

Edward Nolde, 443 Osborn Ave #201, Bigfork, asked the board to include the rotary club trail which currently existed and a connector which was currently being proposed into the plan. He spoke of how the current path was funded, which included the solicitation and donation of easements from private landowners without compensation for a quarter mile and the advantage of having the trail. He pointed out the trail on the map. He was in favor of the application.

Liz Seabaugh, 395 Lower Valley Road, member of the Foys to Blacktail group, stated they continued to try to raise funds to

purchase the property next to Herron Park. She spoke of the Parks Board which she thought had a lot of foresight to make the plan. She wholeheartedly supported the application.

Pete Skibsrud, 652 Country Way, spoke of a trail near the college and showed an aerial photo of the area pointing out the need for trail connectivity. He purchased the 'Old Steele Bridge', wanted to incorporate that into the trail system and explained the steps he had taken toward that end so far. He was in favor of the application.

Richard Siderius, 395 Auction Rd., president of Rails-To-Trails, spoke about Rails-to-Trails purchases of easements from various property owners. He pointed out the trail system on the map stating it would take 30-40 years to come to fruition and spoke about the processes involved. He was in favor of approving the plan. He reiterated how he believed Rails-To-Trails would continue to purchase easements from private property owners.

Joe Underwriter, Kalispell Chamber, 15 Depot Park, said the Chamber received many inquiries regarding bike/pedestrian trails and spoke of the trails being a promotable area of tourism which could be benefited from.

Terry Welder, 309 Willow Glen, who worked on the Sam Bibler Commemorative Trail Project, thanked the committee and others for all the hard work. He was in favor of sharing property for the safety of the children. He supported the project.

Allen Seiler, 20 Treasure Lane, who worked on the Sam Bibler Commemorative Trail Project, commented about issues which came up in the past constructing a trail because of the lack of a trails plan. He gave examples of obstacles the project encountered while trying to propose a bike path along Willow Glen Drive.

Doug Morton, 203 Sunset Drive, spoke of the trail around the college. He is a member of the committee trying to connect trails on the north end of Kalispell. He was in favor of approving the plan.

Darla Harmon, 32 Willow Drive, spoke of obstacles her committee encountered when building the East Evergreen Bike Path without a plan. She said in response to Crowder, any easements which needed to be bought were purchased. She

spoke of connectivity in the Kalispell area.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

Hogle pointed out edits to the plan and on the map. He said diligent effort had been put into the map and all the routes were parallel to existing roads and public access right of ways. None of the trails traversed private land. All the routes were in public right of ways. He spoke of federal funding procedures with specific constraints in regards to acquiring property. He spoke of the evaluation form and how future trail proposals would be prioritized. This plan would give the county some guidance and help alleviate future constraints. It would provide a consistent and objective standard by which all future trail proposals would be scored and ranked. The plan would aim to provide equality and fairness when there were multiple groups who all want to have some trail activity or project. There was not enough funding to serve all the needs at one time. The plan would allow for consistency and fairness in how the funds were allocated.

The board, Hogle and Watson discussed at length the requirements for a subdivision concerning a trail depending on their location and type of trail, public access, easements along arterial trails, what was considered linear parks and parkland dedication.

**MAIN MOTION
TO ADOPT A
RESOLUTION**

Pitman made a motion seconded by DeKort to adopt the plan and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

The board and staff discussed thoroughly subdivision review which would be conducted in compliance with the plan and any regulations in effect at the time of the review. They debated at length the pros and cons of adopting the plan which included trail funding by federal transportation dollars, how the plan provided information and predictability for developers and the development process and consistency in the planning process. They also discussed statistics of a public survey and how this plan addressed the concerns and wants of the public.

The board discussed the wording of the document and their concerns.

A ten minute recess was called.

The board reconvened at 7:50.

The board discussed possible changes to the plan and it was suggested staff make the discussed changes to the document, send them out in the next meeting packet and bring the changed document back under old business at the next board meeting.

**SECONDARY
MOTION TO
POSTPONE
UNTIL AUGUST
11, 2010**

Pitman made a motion seconded by Larsen to postpone until the August 11, 2010 meeting so that changes could be made to the plan.

**BOARD
DISCUSSION**

Watson asked the changes be sent to the parks board as well.

The board and staff discussed other possible changes.

The board, Watson and staff discussed maintenance, and liability on the paths, how the plan applied to LTR and the process of parkland dedication.

**ROLL CALL TO
POSTPONE
UNTIL AUGUST
11, 2010**

On a roll call vote the motion passed unanimously.

**COMMITTEE
REPORTS**

None.

OLD BUSINESS

Cross asked if the board would like to postpone the workshop with the commissioners until Lauman was feeling better.

The board discussed how long the workshop should last, prioritization a list of items to discuss and if they should still meet on July 26, 2010.

The board prioritized the list of items to discuss with the commissioners and agreed to meet on the date already set which was July 26, 2010.

NEW BUSINESS

Harris gave the board a handout regarding the repeal of the growth policy in Ravalli county and a memorandum from a group who was trying to figure out what would happen if the growth policy was repealed.

Heim spoke about Crowder's comments concerning the board members violating their oaths if they voted for the trails plan and due process. He stated the process the plan was following was due process and he went on to explain why.

The board discussed about how they didn't like being threatened, due process, the constitutions and takings of private property.

Several board members stated they felt Crowder was offensive, without cause and how he crossed the line with personal insults when he mentioned certain individuals.

Larsen stated everyone had a right to speak their minds.

The board discussed how there was a difference between speaking their minds and threatening members of the board.

Heim stated they were not violating the constitutions.

Mower said you could find legal justification for where a person sat on an issue whether liberal or conservative. He worked to find the best way to serve the public he could.

Cross said Crowder's behavior hurt his effectiveness.

Larsen said that happened with other people at times who came to the meetings. Once they offended him, he didn't pay much attention to what they said after that. He said a person needed to be able to articulate their ideas without attacking a person personally because that would not get them anywhere.

ADJOURNMENT The meeting was adjourned at approximately 8:30 pm. on a motion by Hickey Au-Claire. The next meeting will be held at 6:00 p.m. on August 11, 2010.

Gordon Cross, President

Donna Valade, Recording Secretary

APPROVED AS **SUBMITTED**/CORRECTED: 9/8/10